REMARKS

Claim 1-4 and 7-23 are pending. Claims 1, 16, 17, 18, and 22 have been amended. Claim 6 has been cancelled. Reconsideration of this application in light of the above amendments and the following remarks is requested.

Rejections under 35 U.S.C. § 112

Claim 6 has been cancelled and claim 17 has been amended. Accordingly, the rejections under 35 U.S.C. § 112 are deemed moot.

Rejections under 35 U.S.C. § 102(b)

Claims 1-4 and 7-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,222,909 to Qua et al. ("Qua"). As the PTO provides in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim...." Therefore, the Qua patent must disclose all of the elements of the claims to sustain the rejections. Accordingly, Applicant respectfully traverses this rejection on the following grounds.

Claims 1-4 and 7-9

Claim 1, as amended, recites in part automatically temporarily storing voice data representing the voice session in a memory buffer device in a storage server, wherein the temporary storing is automatically initiated upon the establishment of the voice session.

The cited text of Qua fails to teach or suggest at least the above recited element of claim 1. Therefore, the cited text of Qua fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 1 is allowable over the cited reference. Claims 2-4 and 7-9 depend from and further limit claim 1 and are allowable for at least the same reason as claim 1.

Claims 10-15

Claim 10 recites in part a memory buffer for temporarily storing voice data representing the voice session, and a save initiator for dynamically initiating the voice data recording during the voice session, wherein the recording can be started by a user at any time during the voice session, and wherein the recording saves the entire voice session by copying the voice data from the memory buffer to the storage server.

In contrast, the cited text of Qua is directed to taking "multiple audio notes of a specific conversation by starting and stopping a recording device included in audio note taking mechanism ...." (Col. 3, lines 22-24). To anticipate the above element where "the recording saves the entire voice session by copying the voice data from the memory buffer to the storage server", the Office action cites various passages of Qua (e.g., Fig. 1; col. 3, lines 40-67; col. 4, line 57 – col. 5, line 7; and col. 5, line 43 – col. 6, line 11). Applicant has carefully reviewed the cited figure and text, and finds no such teaching. More specifically, the cited passages refer to the storage and processing of "audio notes."

In response to Applicant's previous arguments, the Office action states that "Qua teaches saving the entire voice session into the memory buffer (detachable storage unit of terminal 110 fig. 1 col. 4, lines 19-25) then copying (saving) it to an voicemail server or pc (col. 4 lines 59-67 or col. 5 lines 43-67)." (Office action dated Sept. 22, 2004 at page 9). Applicant respectfully traverses the Examiner's comments on the following grounds.

Qua (in the cited text of col. 4, lines 19-25) states that "[i]f no audio notes have been made within that time, then a temporary working memory is established for recording the audio note (step 206). Note that the working memory can be located anywhere in network components 135, wireless terminal 110, adjunct 130, associated storage 180 or even in detachable storage unit 120." (emphasis added). The cited text of Qua is specifically directed to recording an audio note, and not to recording the entire voice session. An "audio note" is clearly not the same as a conversation, as Qua states that "[t]he present invention is a system and method that permit a user to record audio information, i.e., audio notes, during a conversation on any telephonic communications device." (col. 1, lines 40-42) (emphasis added).

Accordingly, the cited text of Qua fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 10 is allowable over the cited reference. Claims 11-15 depend from and further limit claim 10 and are allowable for at least the same reason as claim 10.

Claim 16

Claim 16, as amended, recites in part a save initiator on the telephone recording device for dynamically initiating the voice data recording at any time during the voice session, wherein the voice data represents the voice session from the beginning of the voice session, a storage buffering means for automatically saving the digitized voice data; and a transmission module for

sending the digitized voice data from the storage buffering means to a storage server connected to the local switch device in response to a signal from the save initiator.

Applicant has carefully reviewed the cited figures and text of Qua (e.g., Fig. 4 – Fig. 6; col. 4, line 57 – col. 5, line 7; and col. 7, lines 1-19) and finds no teaching of the above recited elements of claim 16. Instead, as described previously, Qua is directed to "permit[ing] a user to record audio information, i.e., audio notes, during a conversation on any telephonic communications device." (col. 1, lines 40-42) (emphasis added). Accordingly, Qua fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 16 is allowable over the cited reference.

Claim 17

Claim 17, as amended, recites in part a save initiator for dynamically initiating the voice data recording during the voice session in real time in response to user input received at any time during the voice session, wherein the recorded voice data represents the voice session from the beginning of the voice session.

Applicant has carefully reviewed the cited figures and text of Qua (e.g., col. 3, line 22 – col. 4, line 3; col. 7, lines 1-19) and finds no teaching of the above recited element of claim 17. Instead, as described previously, Qua is directed to "permit[ing] a user to record audio information, i.e., audio notes, during a conversation on any telephonic communications device." (col. 1, lines 40-42) (emphasis added). Accordingly, Qua fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 17 is allowable over the cited reference.

Claim 18

Claim 18, as amended, recites in part a save initiator for dynamically initiating the voice data recording after a voice session is established between the telephone recording device and the communication device, wherein the voice data is a representation of the entire voice session, and wherein the save initiator is configured to initiate the recording in response to user input received at any time until the voice session is terminated.

Applicant has carefully reviewed the cited figures and text of Qua (e.g., Fig. 4 – Fig. 6; col. 3, line 22 – col. 4, line 3; col. 7, lines 1-19)) and finds no teaching of the above recited element of claim 18. Instead, as described previously in greater detail, Qua is directed to "permit[ing] a user to record audio information, i.e., audio notes, during a conversation on any

telephonic communications device." (col. 1, lines 40-42) (emphasis added). Accordingly, Qua fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 18 is allowable over the cited reference.

Claim 22

Claim 22 recites, in part, temporarily saving voice data representing the entire session in a memory buffer of the telephone recording device; and instructing, by the user, during the session and before the session ends, the telephone recording device to store the temporarily saved voice data in a storage server connected to the local switch device.

Applicant has carefully reviewed the cited text of Qua (e.g., col. 4, lines 59-67; col. 5, line 43 – col. 6, line 11) and finds no teaching of the above recited element of claim 22. Instead, as described previously, Qua is directed to "permit[ing] a user to record audio information, i.e., audio notes, during a conversation on any telephonic communications device." (col. 1, lines 40-42) (emphasis added). Accordingly, Qua fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 22 is allowable over the cited reference. Claim 23 depends from and further limits claim 22 and is allowable for at least the same reason as claim. 22.

Conclusion

It is clear from all of the foregoing that independent claims 1, 10, 16, 17, 18, and 22 are in condition for allowance. Dependent claims 2-4, 7-9, 11-15, 19-21, and 23 depend from and further limit their respective independent claims and therefore are allowable as well. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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This paper and fee are being deposited with the U.S. Postal Service Express Mail Post Office to Addressee service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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